

REMARKS

The Official Action dated April 11, 2003, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration and allowance of all remaining claims is respectfully requested.

Claims 1, 11-15, 17-22, 24-25, 27-29 and 33 have been amended and claims 34-40 have been added, all of which find support in the specification as filed. It is believed that these changes and additions do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested. Claims 16, 23, 26 and 30-32 have been canceled. Claims 1, 11-15, 17-22, 24-25, 27-29 and 33-40 remain in the case for consideration.

In the Official Action, the Examiner noted numerous claim objections, particularly in regards to claims 16, 26, 30 and 32. In light of the fact that these claims have been canceled, Applicants believe that these claim objections are now moot and respectfully request reconsideration.

In the Official Action, claims 11 and 22-33 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter Applicants regard as the invention. This rejection is traversed and reconsideration is respectfully requested.

Particularly, the Examiner asserted that claims 11 and 24 were vague and indefinite wherein these claims recited a "significant residue". In view of the current amendments to claims 11 and 24, Applicants believe that claims 11 and 24 are no longer vague or indefinite and respectfully request reconsideration.

In addition, the Examiner alleged that claims 22 and 23 were vague and indefinite wherein the claims recited "does not cause a significant increase in filming of glassware or

dishware”. In view of the current amendment to claim 22 and cancellation of claim 23, Applicants believe that claims 22 and 23 are no longer vague or indefinite and respectfully request reconsideration.

Moreover, the Examiner asserted that claims 30 and 33 were indefinite for reciting particular colors such as blue, green, yellow and white and not defining such colors by wavelengths of light. In view of the current amendment to claim 33 and the cancellation of claim 30, Applicants believe that claims 30 and 33 are no longer indefinite, such that one with ordinary skill in the art would understand that a particular observed color indicates a broader understanding than just one narrowly defined wavelength, and as such, the use of observed colors such as blue, green, yellow and white to define claim 33 is proper. In addition, Applicants would like to direct the Examiner to recent U.S. Patents 6,475,975, 6,479,448 and 6,486,111, which provide examples that the U.S. Patent Office has granted claims generally directed to cleaning compositions which are defined by color components. As such, Applicants believe that claim 33 is definite and respectfully request reconsideration.

Finally, the Examiner alleged that claims 31 and 32 lacked antecedent basis for use of the term “automatic”, but in view of the cancellation of claims 31 and 32, Applicants believe that this assertion is now moot, and therefore respectfully request reconsideration.

Therefore, Applicants believe that the Examiner's rejections of claims 11, 22, 24-25, 27-29 and 33 under 35 U.S.C. § 112, second paragraph, have been overcome in view of the current amendments, and respectfully request reconsideration.

In the Official Action, claims 1, 11-12, 16-17, 19-24, 26-27 and 32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Maguire, Jr. et al U.S. Patent 4,090,973 (hereinafter referred to as “Maguire, Jr. et al”). The Examiner asserted that Maguire, Jr. et al disclose a method for preparing a liquid dishwashing detergent comprising adding an encapsulated detergent component to a liquid detergent composition. The Examiner also

asserted that Maguire, Jr. et al further teach that the encapsulated material is an insoluble material, such as carboxymethylcellulose, ethyl cellulose and polyvinyl alcohol.

However, as will be set forth in detail below, it is submitted that the compositions defined by claims 1, 11-12, 17, 19-22, 24 and 27 are not anticipated by Maguire, Jr. et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 1, from which claims 11-12, 17, and 20-21 depend, the present invention is directed to a process of improving aesthetics of a liquid dishwashing detergent product comprising the steps of providing a liquid dishwashing detergent composition and adding solid particles to the liquid dishwashing detergent composition. The particles comprise a hydrated polymeric coating formed from a sprayable aqueous solution comprising from about 1% to about 30% by weight of a polymeric material, and the polymeric coating is insoluble in the liquid dishwashing detergent composition but soluble in dishwashing solution.

Moreover, claim 22, from which claims 24 and 27 depend, is directed to a liquid dishwashing detergent product having enhanced aesthetics comprising a liquid dishwashing detergent composition and solid particles. The particles comprise a hydrated polymeric coating formed from a sprayable aqueous solution comprising from about 1% to about 30% by weight of a polymeric material selected from the group consisting of alkyl cellulose ethers, polyvinyl alcohol, alginate and mixtures thereof. The particles are adapted to remain undissolved in the liquid dishwashing detergent composition until the composition is adapted for manual or automatic dishwashing.

The coating as defined in the present claims protects the solid particles in the detergent product in an inexpensive yet effective manner. Thus, the product aesthetics can be easily improved.

However, Applicants find no teaching by Maguire, Jr. et al of the processes or products defined by claims 1 and 22, respectively. That is, Maguire, Jr. et al disclose a method for preparing liquid detergent compositions containing normally incompatible components and encapsulating the incompatible components in a material (col. 2, lines 28-35). Particularly, Maguire, Jr. et al disclose that the encapsulating material for use in the methods as taught include a water-soluble alkoxyated nonionic surface active agent (col. 4, lines 5-10). In addition, Maguire, Jr. et al teach that the encapsulating material must contain at least about 10%, and preferably at least 30%, by weight of these specifically selected alkoxyated nonionic surface active agents (col. 4, lines 33-36). Further, Maguire, Jr. et al teach that the remainder of the encapsulating material may include more conventional, normally solid, water-insoluble materials which are generally used for encapsulating particles in aqueous systems, such as waxes and natural and man-made polymers (col. 4, lines 37-45). Applicants find no teaching by Maguire, Jr. et al of adding particles having a hydrated polymeric coating serving as the encapsulating material as recited in claims 1 and 22, particularly where the coating is formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material. The encapsulating material included in the example IB of Maguire, Jr. et al, cited by the Examiner is merely disclosed as "polyvinyl alcohol," and Applicants find no teaching of a hydrated polymeric coating formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material.

Anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). In view of the failures of Maguire, Jr. et al to teach a process of improving aesthetics of liquid dishwashing detergent product and a liquid dishwashing detergent product having enhanced aesthetics as defined by claims 1 and 22,

respectively, particularly in regards to a hydrated polymeric coating formed as presently claimed, Maguire, Jr. et al do not disclose each element of the claims under consideration, and therefore, do not anticipate the processes and detergent products of claims 1 and 22, respectively, under 35 U.S.C. § 102.

It is therefore submitted that the cleaning processes and detergent products as defined by claims 1, 11-12, 17, 19-22, 24 and 27 are not anticipated by and are patentably distinguishable from Maguire, Jr. et al and the rejection of claims 1, 11-12, 17, 19-22, 24 and 27 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 1, 11-14, 16-28 and 31-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Aronson et al WO 93/22417 (hereinafter referred to as "Aronson et al"). The Examiner asserted that Aronson et al disclose a liquid detergent composition that contains a capsule including a detergent sensitive ingredient. The Examiner also asserted that Aronson et al further teach that the capsule is composed of polyvinyl alcohol and methyl cellulose.

However, as will be set forth in detail below, it is submitted that the compositions defined by claims 1, 11-14, 17-22, 24-25 and 27-29 are not anticipated by Aronson et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As previously noted, claim 1 defines a process for improving aesthetics of a liquid dishwashing detergent product, while claim 22 recites a liquid dishwashing detergent product having enhanced aesthetics. As discussed, the coating as defined provides an inexpensive yet effective manner for improving product aesthetics.

However, Applicants find no teaching by Aronson et al of the processes or products defined by independent claims 1 and 22, respectively. Aronson et al teach a detergent composition having a detergent sensitive active ingredient and a composite polymer (page 5, lines 21-24). Aronson et al also disclose that the composite polymer includes a hydrophobic polymer core, formed by emulsion polymerizable monomers that contain ethylenically

unsaturated groups and hydrophilic polymers selected from synthetic nonionic water soluble polymers, polysaccharides, modified polysaccharides, proteins, polymers with carboxylic groups and copolymer thereof (page 5, lines 25-32). Moreover, Aronson et al disclose that the emulsion copolymer acts to form a network which entraps enzymes or other sensitive components between the hydrophobic particles and water soluble polymers (page 6, lines 26-29). In addition, Aronson et al teach that the level of electrolyte and/or cross-linking agents required in the formulation depends on the composition of the capsules and the finishing steps which the capsules may undergo to insure that the capsules remains intact and do not dissolve in the formulation (page 25, lines 16-31). Further, Aronson et al disclose the use of polyvinyl alcohol as an encapsulating agent when hydrolyzed (see Table 1). Finally, as noted in Tsauro et al EP 0653485 A1 (hereinafter referred to as "Tsauro et al"), a copending application, Aronson et al simply teach a "web-like" capsule created by the hydrophilic molecules entangling and forming an encapsulating net over the core, and that this "net" is still too porous to protect the active component (Tsauro et al, page 2, lines 22-26).

Applicants find no teaching by Aronson et al of adding particles having a hydrated polymeric coating serving as the encapsulating material as recited in claims 1 and 22, particularly where the coating is formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material.

Rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert denied*, 493 U.S. 853 (1989). Applicants are unable to find any teaching or disclosure by Aronson et al of a hydrated polymeric coating, particularly where such coating is formed from a sprayable aqueous solution comprised from about 1% to about 30% by weight of a polymeric material. As such, Aronson et al do not disclose each element of the claims under

consideration, and therefore, do not anticipate the processes and detergent products of claims 1 and 22, respectively, under 35 U.S.C. § 102.

It is therefore submitted that the cleaning processes and detergent products as defined by claims 1, 11-14, 17-22, 24-25 and 27-29 are not anticipated by and are patentably distinguishable from Aronson et al and the rejection of claims 1, 11-14, 17-22, 24-25 and 27-29 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 1, 11-14, 16-17, 19-29 and 31-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tsaur et al EP 653,485 (hereinafter referred to as "Tsaur et al"). The Examiner asserted that Tsaur et al disclose a detergent composition comprising an active, liquid composition, and an oil dispersion encapsulated in a polymer shell, such as polyvinyl alcohol and methyl cellulose. The Examiner also asserted that Tsaur et al teach liquid detergent compositions containing encapsulated oil dispersions, and adjunct ingredients.

However, as will be set forth in detail below, it is submitted that the compositions defined by claims 1, 11-14, 17, 19-22, 24-25 and 27-29 are not anticipated by Tsaur et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As previously noted, claim 1 defines a process for improving aesthetics of a liquid dishwashing detergent product, while claim 22 recites a liquid dishwashing detergent product having enhanced aesthetics.

However, Applicants find no teaching by Tsaur et al of the processes or products defined by independent claims 1 and 22, respectively. Tsaur et al teach a capsule system having an oil dispersion containing the active ingredient, in which the oil is selected by meeting certain defined criteria, and an outer polymer shell surrounding the oil dispersion (page 3, lines 11-12). In addition, Tsaur et al disclose that the oil dispersion is defined to by its ability to retain greater than 80% of the active in oil after an hour when the dispersion of active in oil is added to an aqueous solution containing 0.5% by weight sodium lauryl sulfate,

the ability to suspend the active with less than 10% phase separation when stored at 37°C for 1 week, and by the ability to release more than 50% active after 5 minutes of a wash cycle when measured at 40°C (page 3, lines 16-19). Moreover, Tsaur et al disclose the polymer shell is a water soluble polymer or water dispersible polymer selected from at least one of the group consisting of polyvinyl alcohol, a polyacrylamide, polyvinyl pyrrolidone, carrageenan, guar gum, xanthan gum, cellulose and protein (page 3, lines 22-24). Further, Tsaur et al teach that the oil dispersion serves to hold the active in place and keep them from diffusing into the liquid detergent and the outer polymer shell, which surrounds the oil dispersion, is used to prevent the “deformation” of the oil dispersion when capsule system is added to the liquid detergent (page 3, lines 46-50).

Applicants find no teaching by Tsaur et al of adding particles having a hydrated polymeric coating as recited in claims 1 and 22, particularly where the coating is formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material.

To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 U.S.P.Q.2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In view of the failures of Tsaur et al to teach a process of improving aesthetics of liquid dishwashing detergent product and a liquid dishwashing detergent product having enhanced aesthetics as defined in claims 1 and 22, respectively, particularly in regards to a hydrated polymeric coating formed from an aqueous solution, Tsaur et al do not disclose each element of the claims under consideration, and therefore, do not anticipate the processes and detergent products of claims 1 and 22, respectively, under 35 U.S.C. § 102.

It is therefore submitted that the cleaning processes and detergent products as defined

by claims 1, 11-14, 17, 19-22, 24-25 and 27-29 are not anticipated by and are patentably distinguishable from Tsaor et al and the rejection of claims 1, 11-14, 17, 19-22, 24-25 and 27-29 under 35 U.S.C. § 102 has been overcome. Reconsideration is respectfully requested.

Claims 1, 11 and 16-18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ahmed et al U.S. Patent 5,108,641 (hereinafter referred to as "Ahmed et al"). The Examiner asserted that Ahmed et al disclose an aqueous liquid dishwashing detergent comprising water, phosphate, sodium carbonate, sodium hydroxide, surfactants, sodium silicate, an encapsulated bromide compound, sodium hypochlorite, thickener, and colors/perfumes.

However, as will be set forth in detail below, it is submitted that the compositions defined by claims 1, 11 and 17-18 are not anticipated by Ahmed et al. According, this rejection is traversed and reconsideration is respectfully requested.

As previously noted, claim 1 defines a process for improving aesthetics of a liquid dishwashing detergent product where particles are added to the liquid dishwashing detergent composition, wherein the particles comprise a hydrated polymeric coating formed from a sprayable aqueous solution comprising from about 1% to about 30% by weight of a polymeric material, such that the polymeric coating is insoluble in the liquid dishwashing detergent composition but soluble in dishwashing solution.

However, Applicants find no teaching by Ahmed et al of the processes defined by claim 1, from which claims 11 and 17-18 depend. Ahmed et al teach an aqueous liquid automatic dishwasher detergent composition which includes organic or inorganic builder salt, sodium silicate, chlorine bleach compound, bromide compound, alkali metal carbonate, chlorine bleach stable, water dispersible organic detergent active material, chlorine bleach stable foam depressant, clay thixotropic thickener, fatty acid or salt thixotropic thickener, and water (col. 4, lines 65-68 – col. 5, lines 1-12). In addition, Ahmed et al teach a method for

cleaning dishware, glassware and cookware in a automatic dishwashing machine in aqueous wash bath containing the composition as previously described (col. 5, lines 16-21). Moreover, Ahmed teach that the bromide compounds are encapsulated in a protective coating that is insoluble or only sparing soluble in the liquid product (col. 9, lines 65-68 – col. 10, lines 1-2). Further, Ahmed et al disclose that these coating agents are chosen from commercially available waxes (col. 10, lines 44-45).

Applicants find no teaching by Ahmed et al of adding particles having a hydrated polymeric coating as recited in the process of claim 1, particularly where the coating is formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material. Rather, the encapsulated material included in the examples provided in Ahmed et al, can include commercially available waxes, as the encapsulating material for a very specific bromide compound, which is opposition to the type of polymeric coating taught by the present invention. The present invention employs a hydrated polymeric coating formed from a sprayable aqueous solution including from about 1% to about 30% by weight of a polymeric material, which is not disclosed by Ahmed et al.

Once again, anticipation under 35 U.S.C. § 102 requires the disclosure in a single prior art reference of each element of the claims under consideration, *Alco Standard Corp. v. TVA*, 1 U.S.P.Q.2d 1337, 1341 (Fed. Cir. 1986). In view of the failures of Ahmed et al to teach a process of improving aesthetics of a liquid dishwashing detergent product as recited by claim 1, particularly in regards to adding particles having a hydrated polymeric coating, Ahmed et al do not disclose each element of the claims under consideration, and therefore, do not anticipate the processes of claim 1 under 35 U.S.C. § 102.

It is therefore submitted that the cleaning processes and detergent products as defined by claims 1, 11 and 17-18 are not anticipated by and are patentably distinguishable from Ahmed et al and the rejection of claims 1, 11 and 17-18 under 35 U.S.C. § 102 has been

overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. §§ 102 and 112, second paragraph, placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

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